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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/415,295	10/08/1999	AMIR BEN-EFRAIM	M-7844US	4625
32794	7590	01/03/2006	EXAMINER	
KOESTNER BERTANI LLP 18662 MACARTHUR BLVD SUITE 400 IRVINE, CA 92612			DINH, KHANH Q	
			ART UNIT	PAPER NUMBER
			2151	

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

C

Advisory Action
Before the Filing of an Appeal Brief

Application No.

09/415,295

Applicant(s)

BEN-EFRAIM ET AL.

Examiner

Khanh Dinh

Art Unit

2151

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 December 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the ~~proposed amendment~~ ^{response} (s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: none.
Claim(s) objected to: none.
Claim(s) rejected: 1,2,4,5,8-18,21,23-41,43,44,86-89 and 94-98.
Claim(s) withdrawn from consideration: none.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: Applicant asserts that the cited references does not disclose all the limitations of claim 1.

Examiner respectfully disagrees. Examiner point out that the combination of Hitchings and Logan discloses the Applicant's claimed invention. Specifically, Hitchings discloses a mobile information network browser device (106 fig.1) with audio feedback capability, the information network comprising a plurality of network servers, the browser device comprising:

a wireless communication interface (using two-way wireless communication device 106 fig.1) operable to transmit data to a network server (network gateway server 114 fig.1) and to receive data from the network server (see abstract, fig.1, col.6 line 43 to col.7 line 45).

an audio interface (using 126 fig.1 to allow users of the wireless client device to retrieve and reply voice mail messages) operable to receive data from the wireless communication interface, wherein the data transmitted to the network server includes a request for information, and the data received from the network server includes information responsive to the request (see also fig.2A, col.7 line 5 to col.8 line 65 and col.9 line 15 to col.10 line 67).

Hitchings does not specifically disclose a car radio, an audio converter and a short-range radio. However, Logan disclose a car audio, an audio converter, the audio converter being operable to receive the information responsive to the request, the audio converter being further operable to convert the responsive information to an audio signal [in fig.1, implementing a program data stored at 107 may advantageously include compressed audio recordings and/or text (files of characters) which may be converted into audio form by conventional speech synthesis programs, see col.3 lines 23-54 and col.5 lines 6-44] and further discloses a short range radio, wherein the audio converter outputs the audio signal to the short range radio, the short range radio being operable to broadcast the audio signal to a channel on a car audio (using a "player" computer may be linked to the Internet via a local communications server computer via a radio or infrared link when the car is parked at the subscriber's home or office, see fig.1, col.6 line 27 to col.7 line 2 and col.39 lines 6-to col.40 line 30) while the car audio is mobile as well as when the car is stationary [i.e., using the IrDA international standard for providing interoperability among widely diverse systems and providing high speed file transfers (e.g., 4 Mbs data rates), are small and can be easily incorporated into portable computers of the type which may be used in a car or on public transportation, see col.6 line 27 to col.7 line 2]. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to utilize Logan's an audio converter and a short- range radio into the computer system of Hitchings to provide playback audio capabilities because it would have provided a suitable data transmission capabilities and exchanged information in the form of audio recordings over the Internet.

Khanh Binh
Primary Examiner
A.U. 2151